

REMARKS

This is in response to the Office Action mailed June 22, 2004. In the Office Action, all pending claims 6-12 were rejected. With this Amendment, independent claim 6 is amended and the remaining claims are unchanged in the application.

As an initial matter, Applicants respectfully note that subsequent to the mailing date of the Office Action, Applicants have filed a pair of Supplemental Information Disclosure Statements. Consideration and an indication thereof, are respectfully requested relative to the subsequently filed Supplemental Information Disclosure Statements.

Section Two of the Office Action indicated that independent claim 6, among others, was rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al. (U.S. Patent 6,553,336). With respect to claim 6, the Office Action asserted that Johnson et al. discloses,

"A distributed control and monitoring system comprising an emission monitoring system coupleable to various objects, property or equipment (i.e. a fossil fuel engine and an electric generator; see column 25 lines 26-30), the emission monitoring system for acquiring emission monitoring data (please see column 26 item #28); and a remote access node coupled to the emission monitoring system through a computer network, the node allowing remote access to the device output."

Respectfully, while the disclosure of Johnson et al. does indeed provide a vast number of potential applications for remote monitoring, Applicants respectfully submit that there is no teaching or suggestion for remote emission monitoring as set forth in amended claim 6. Specifically, amended claim 6 now recites that the distributed control and monitoring system comprises an emission monitoring system coupleable to a fossil fuel engine and an electric generator, the emission monitoring system for acquiring qualitative emission data relative to the fossil fuel engine and wherein the remote access node allows,

among other things, remote access to the fossil fuel engine emission data. Responding to the Office Action's invitation to review Column 26, item 28 of Johnson et al., Applicants respectfully note that the specific application disclosed therein is for remote monitoring of emission monitoring equipment, such that the operation of such equipment can be verified remotely. This is in distinct contrast to amended claim 6, which provides a remote access node coupled to the emission monitoring system such that the fossil fuel engine emission data can be remotely accessed. Additionally, Applicants note that one of the references provided in the recent Supplemental Information Disclosure Statements (Thompson et al. - U.S. Patent 5,734,255) also does not teach or suggest remote access to qualitative emission data. Accordingly, Applicants respectfully submit that amended claim 6 is allowable over Johnson et al. as well as the art of record. Additionally, Applicants respectfully submit that dependent claims 7-12 are allowable as well by virtue of their dependency, either directly or indirectly, therefrom.

In conclusion, Applicants respectfully submit that the entire application is now in condition for allowance. Reconsideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Christopher R. Christenson, Reg. No. 42,413
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

CRC:slg